

and it would have been unjust to put upon the public record anything to indicate that they had been accused.

We have given close and conscientious attention to the discharge of our duties, have found indictments only where the evidence presented clearly required such action, and believe that we can take just pride in the amount of work which we have been able to accomplish in the limited time at our disposal.

We have been unable to make any extended or careful examination of the various county offices, but in such investigations as we have made, we have not found any subject of serious criticism. We cannot refrain from saying that it has appeared to us probable that the refusal of recently displaced county officers to deliver the books, papers and records of their offices to their successors, may have been due to some apprehension that the doing would be open to a more searching investigation by the grand jury than would be possible while they retained possession.

We find that the vault in use in the office of the clerk of the district court is so small that it is insufficient to accommodate all of the records and papers which ought to be kept there. There is nothing of greater importance to the public than the preservation of the files and records of this court. It is unnecessary for us to say anything as to the wide-spread disastrous effect upon varied interests of all kinds which would result from the loss of such records, and we earnestly recommend to the county commissioners the enlargement of this vault to at least double its present capacity. It appears to us that an addition can be made to it on the north side, without seriously interfering with anything else in the court house.

Court House Is Repulsive.

We have made some examination of the court house and jail, and are not at all satisfied with either. The court house is generally, and especially in its interior and in the halls, and basement rooms, dingy, repulsive and unattractive, for which we can see no reasonable excuse. In the basement, where we have held our sessions, the building needs repairs, particularly as to the floor of the main hallway, which is in very bad shape, and also as to the water closet at the north end, which is in an unsanitary condition and diffuses vile odors through a large portion of the premises. (These things should be remedied.)

The grounds about the court house are limited in extent that it ought not to be difficult to keep them in good order, yet they show signs of neglect which is painful. With a jail full of prisoners, it would seem to be an easy task to properly care for the public buildings and grounds.

We are informed that the tower on the court house, which is so constructed as to be open to the inmates of the prison, has become the abode of numbers of owls and bats, with a consequent accumulation of filth which is disagreeable, and perhaps dangerous to health. This place should be cleaned and the necessary precautions taken so as to make it impossible for such conditions to recur.

As to the jail, we find it a place entirely inadequate for the requirements of the county. There are, at present, only about twenty prisoners, which number, we are told, is much less than usual, there having been, at times, as many as forty, but even twenty is more than can properly be cared for in such limited quarters. This should be remedied at the earliest possible moment.

Careless Justices of the Peace.

We feel compelled to advert to the carelessness and negligence, using the mildest terms possible, of justices of the peace in sending in papers relative to persons held to await the action of the grand jury. In one case presented to us, the alleged offense was committed in June, 1904, and immediately thereafter the accused person gave bond for his appearance, and yet the action of the grand jury, and yet the papers reached the district attorney only a short time before the present term of the court, and after the death of the principal witness. We were unable to find an indictment upon the evidence presented, but the result might have been different had the papers been sent in promptly, before the death above mentioned.

In another case, eight men in May last, were, by a justice, put under bond to await the action of the grand jury. This case was never reported to the clerk or the district attorney. Near the close of our session, one of our members called it to the attention of the district attorney, who immediately had the witnesses summoned, and as a result, several indictments were found. We have no definite information as to what has become of the bonds given by the defendants. They ought to be in the hands of the clerk of the court.

In still another case, a young man was, in June, by a justice, committed to jail, in default of bail, to await the action of the grand jury upon a charge of personating an officer. The papers in this case were filed in the clerk's office on September 23, 1905, and were brought to our attention on September

26, 1905, only after the relatives of the accused person had been some of our members with personal importance. As a result, on September 27, we made a presentment of "no bill" in this case. We cannot refrain from commenting further, as to this matter. The evidence showed that a man of bad reputation, keeper of a vile drinking place of the lowest character, in Old Albuquerque, testified, before the justices of the peace, that a voice, through a telephone, told him that the owner of the voice was a deputy sheriff, and was coming on the next street car to arrest the saloon keeper, and close up his place of business, and that he recognized the voice as that of the defendant, with whom he had some previous quarrel. This was all. The alleged one never did anything more. We cannot believe this sufficient to indicate an offense under the statute as to personating an officer, and yet this young man was confined in jail three weeks, and charged with the crime more surprising to us, because we believe the justice of the peace who took this action to be an honest and conscientious man. We think he must have been badly advised.

There has been presented to us evidence as to one Donatiano Gutierrez. It was shown that this man sold liquor at retail at four different places, in two or three different precincts of the county, in the year 1904. We were, at first, much surprised to hear that this man was a lawless violator of the territorial revenue law, but upon examination of the record of liquor licenses, covering the period of the sales made by him, and taking the charitable view that he may have been honestly mistaken as to his rights under such a license, we refused to find an indictment against him. We feel it our duty, however, to call his attention to the fact that a license to sell liquor at retail authorizes selling at not only one place in one precinct, and is not good to be used at other places or in any other precinct.

By chapter 115 of the laws of 1902, it is provided that no license shall be issued to sell liquor at retail at any place except within the limits of a city, town or village containing at least 100 inhabitants, and a severe penalty is imposed upon any officer who authorizes or issues such forbidden licenses. We find that the assessor and probate clerk of the county, have apparently paid no attention to this statutory provision, but have accepted applications for such licenses without investigation, and we have found no indictments against either of them, because we did not believe their neglect of duty was wilful or intentional. We hereby call their careful attention to this law for the future.

Carriage Should Be Suppressed.

For several years it has been the custom, in the city of Albuquerque, to have on night, during the annual territorial fair, given by the usual law enforcement in the streets of the city, when masked persons of both sexes of all ages have been allowed to pervade the town, and when the drinking and gambling places of the city have been broken open to the public without restriction. This is a gross violation of the territorial law, but we have not deemed it advisable or desirable to present indictments as to such offenses, as we could not do so without involving people of respectability, and good standing who thoughtlessly allowed themselves to be carried away by the enthusiasm of such an occasion, apparently sanctioned by the authorities. We do not consider it wise to exact a penalty upon the citizens for this. They must be applied to all, and are within the law, and knowledge of some of our members of a great number of the community. We cannot find language too strong to express our condemnation, and we rely upon the city authorities to see that nothing of the kind ever happens again; and, in case of their non-action, we trust that the sheriff of the county will suppress such violations of the law as the entering of women and children into drinking and gambling places.

No Sunday Law Indictments.

There has been presented to us evidence showing open and flagrant violations of the Sunday law, by liquor dealers in the city, and such serious and honest difference of opinion on this subject among our members that it was impossible to find any indictments in these cases. Some of us believe that every law, whether good or bad, should be enforced, because, even if bad, or disastrous to the majority of the people, the best way to secure its amendment or repeal is to enforce it; while others believe that the enforcement of this law would be detrimental to the welfare of the community, and still others believe that, if enforced at all, the law should be enforced against all alike, including such places as drug stores, cigar stores, news stands, book stores, etc., but they believe such general enforcement impossible. We can say, as a whole, that we are all in favor of the observance of law, and fully subscribe to the general idea that disregard of one law tends to breed disrespect of all law, and we heartily wish that the Sunday law could be so amended as to conform more to the general sentiment of the people, and make its observance comparatively easy.

At the same time, we venture to express the opinion that, even as it stands, its enforcement does not necessarily depend upon the action of grand juries, and that it can be enforced by the executive officers of the law without recourse to any grand jury.

We desire to express our entire satisfaction, and, as we believe, the satisfaction of the whole community, with the course of the court in attempting to exclude order out of the confused condition of county affairs consequent upon the refusal of removed county officers to give way to their successors, and, as well, our entire confidence in your honesty and impartiality in these troublesome matters, entirely irrespective of any personal opinions or sympathies which we may entertain.

County Jail a Horror.

After the foregoing portions of our report had been prepared, we made a full and detailed examination of the condition of the county jail as possible under present circumstances, and interviewed the prisoners there confined, and we are compelled to say to the court that we are all filled with indignation at the condition of the jail and the treatment of the prisoners. We are well aware that statements made by such persons as those usually found in such a jail, are to be received with great caution, and much allowance should be made for fear of untruthfulness and exaggeration; but those things which we have been able to see with our own eyes, so strongly corroborate and confirm the statements of the prisoners, that we are forced to believe there is much of truth in their complaints.

They assured us that they had not had a piece of soap for as much as six weeks, and were consequently unable to keep themselves or their quarters clean, and that they are tormented day and night by such vermin as lice and bedbugs to such extent which is frightful. They say that for about the same length of time they have had no meat or bread, and that they have been going away from the jail with nothing to eat, and that they are entirely unable to support themselves. They say that they are being treated in a most cruel and inhuman manner, and that they are being kept in the jail for no other reason than to protect the public.

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during last night, they were compelled to keep moving all of the time to avoid extreme suffering. We were able to see that they are in a condition and not provided with sufficient clothing or bedding. Ordinarily, prisoners do not dare to make complaints, for fear of incurring the ill-will of their jailers, but just at this time, having been a change in the management and control of the jail, their tongues appear to have been loosened.

THE PRISONERS ALSO COMPLAINED OF A LACK OF MEDICAL ATTENTION. THEY TOLD US THAT SOME TIME AGO ONE OF THE PRISONERS WAS HIT, AND ALTHOUGH URGENT REQUESTS WERE MADE THAT THE DOCTOR SHOULD BE CALLED, HE DID NOT MAKE HIS APPEARANCE UNTIL THE MAN HAD DIED, AFTER SEVERAL DAYS OF ILLNESS, AND WHEN HE DID COME, HE COMPLAINED WITH GREAT BITTERNESS, THAT HE HAD BEEN NOTICED AND CALLED EARLIER, SAYING THAT HE NEVER RECEIVED ANY MESSAGE TO COME TO THE JAIL, TO ATTEND TO THE MAN WHO HAD DIED.

They also asserted that they have been prevented from communicating with their friends and relatives, and from receiving communication from them, and that more than once it has happened that when friends have been permitted to see prisoners, they have learned that letters and other things had been sent to them, which never had been received.

We are not willing to believe that the ex-sheriff, Mr. Thomas S. Hubbell, or his deputy, Mr. Newby, have had personal knowledge of these bad conditions, or they would have been remedied, but we feel that they are culpable in not having made themselves acquainted with them, and given their personal attention to the welfare of these unfortunate prisoners.

The portion of the premises which is used for the confinement of insane prisoners, consists of nothing but a room with low floor and walls, destitute of bedding, comforts or conveniences of any kind, where no effort appears to be made to ameliorate the suffering of the persons confined. We will not enter into disgusting details, but will say that these prisoners are compelled to spend all of their time, sleeping or waking, in this bare room, destitute of a single article of furniture of any kind.

We desire to add, also, a few words as to another matter which has previously escaped our attention. In the investigation of some cases, in which indictments were found, we discovered that accounts against the county have been presented and allowed, without being itemized or even so as required by law, and we are of opinion that the county clerk and the county commissioners are to be censured for permitting such accounts to be presented, or for allowing and paying them. In justice to the present county commissioners, however, we must say that we are informed that they have adopted a rigid rule of requiring every account to be prepared in exact accordance with law, and have been strict in their enforcement of it. We are, therefore, of opinion that the county clerk and the county commissioners are to be commended for their adoption of this rule, and for their strict enforcement of it. We are, therefore, of opinion that the county clerk and the county commissioners are to be commended for their adoption of this rule, and for their strict enforcement of it.

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Shown to Be Absolutely False by Modern Science.

People used to think that baldness was one of those things which are handed down from generation to generation, from father to son—just like a family heirloom.

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While Another Is Frightfully Injured by Bolt.

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Special to the Morning Journal.

Laguna, N. M., Sept. 30.—During a storm at Acoma pueblo yesterday, an Indian woman on the mesa was killed by lightning and terror reigned throughout the pueblo. The woman's body was hurled almost to a crisp. Another Indian in the same room had his right side hit upon as with a knife from the shoulder clear to the foot, but will recover from his injuries. A number of Indian children who were in the room were badly shocked but not seriously hurt.

The stroke of lightning has terrified the Indians in Acoma almost as much as the death of a Navajo on the reservation scared his fellow tribesmen a few weeks ago. It is a very rare occurrence for Indians to be killed by lightning and it is considered a special mark of the wrath of some evil spirit.

Sick headache is caused by a disordered condition of the stomach and is quickly cured by Chamberlain's Stomach and Liver Tablets. For sale by all druggists.

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